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EXAMINER

CHO, UN C

ART UNIT	PAPER NUMBER
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2687

DATE MAILED: 12/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/088,315

Applicant(s)

BLANTS ET AL.

Examiner

Un C Cho

Art Unit

2687

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 15 March 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1, 3, 4, 6, 11, 12, 14, 16, 17, 30 and 31 are rejected under 35 U.S.C. 102(e) as being anticipated by Haynes, Jr. et al. (US 6,295,448).

Regarding claim 1, Haynes discloses a control system (the device, such as another mobile telephone, Automatic Teller Machine or a remotely controlled device Fig. 1, 110, Fig. 7, 110, Col. 5, lines 50 – 56 and Col. 11, lines 64 – 67) comprising means for setting up a short distance second data transmission connection to a wireless communication device (establish wireless communication between the device and the mobile telephone, Fig. 7, 100) when it is within said distance (wireless interface between an Automated Teller Machine and the mobile telephone for effectuating ATM transaction, thus in order to perform this transaction the wireless device has to be in the vicinity of the ATM machine, Col. 11 line 64 through Col. 12, line 22), the connection being arranged for transmitting at least an identification message to said communication device, the message containing data for identifying said control system (the identification

information is already stored within both devices therefore wireless device recognizes the presence of the device, such as ATM machine, when its within said distance and start transmitting and receiving messages with each other Col. 8, lines 22 – 37 and Col. 12, lines 1 – 11), means for receiving messages via a communication channel from a mobile communication network which is arranged to set up a wireless first data transmission connection to said communication device for the transmission of messages (receive wireless messages from the mobile telephone network, Fig. 7, 130 to the mobile telephone, fig. 7, 100) and which communication network also comprises authentication means for identifying said communication device and allowing the transmission of messages (registration of the mobile telephone in the mobile telephone network in order for the mobile telephone to gain access to the network, Col. 11, lines 26 – 44) and processing means at least for interpreting a control messages transmitted from said communication device and received via a communication channel, the message comprising at least data for controlling the control system in a desired manner (the controller, Fig. 7, 220, located within the device, Fig. 7, 110 interprets the received message and performs its action accordingly, Col. 11 line 45 through Col. 12, line 22).

Regarding claim 3, Haynes discloses that the control message contains at least the telephone number of the communication device that sent said control message to identify said communication device (every time a mobile telephone

registers with the mobile telephone network to gain access it provides the telephone number of the mobile telephone to the network, Col. 11, lines 26 – 44).

Regarding claim 4, Haynes discloses that the control message contains at least data for identifying the control system (the identification information is already stored within both devices therefore wireless device recognizes the presence of the device, such as ATM machine, when its within said distance and start transmitting and receiving messages with each other, Col. 8, lines 22 – 37 and Col. 12, lines 1 – 11) for the transmission of the message.

Regarding claim 6, Haynes discloses memory means for storing at least one acceptable key code (the device has memory for storing the received authorization), as a result to the control message the processing means are arranged to transmit an acknowledgement message via a communication channel to the communication device (if the mobile telephone is authorized then it allows to continue with the transaction, Col. 7, line 45 through Col. 8, line 37), the message comprising data on acceptable key codes (authorization) to be supplemented with a new control message to be transmitted from said communication device and said new control message is arranged to be received via a second data transmission connection (transmission of messages can be performed in more than one communication path, Col. 8, lines 62 – 64).

Regarding claim 11, Haynes discloses control means for controlling the operation of the control system on the basis of the control message (mobile telephone communicates with the ATM machine and the ATM machine gathers

all the required information from the mobile telephone and from the financial institution and processes the transaction, Col. 12, lines 11 – 22).

Regarding claim 12, Haynes discloses that the control system (device, Fig. 7, 110) further comprises means for setting up a wireless third data transmission connection to the mobile communication network (establishing wireless connection in a different channel to a mobile telephone network, Fig. 7, 240, Col. 11, lines 26 – 44).

Regarding claim 14, Haynes discloses a wireless communication device (mobile telephone, Fig. 7, 100) for controlling a control system (device, Fig. 7, 110) comprising means for setting up a wireless first data transmission connection to a mobile communication network (the device, Fig. 7, 110 establishing wireless connection with a mobile telephone network, Fig. 7, 130), the connection being arranged for transmitting and receiving messages (Col. 11, line 26 through Col. 12, line 22), means for setting up a short distance wireless second data transmission connection (establishing wireless communication between the device and the mobile telephone, Col. 11, line 64 through Col. 12, line 11), the connection being arranged at least for receiving messages and control means for generating messages to be transmitted and for interpreting received messages and memory means for storing messages (memory, Fig. 7, 190), wherein said means are arranged for receiving an identification message via the second connection from the control system when it is within said distance, the message containing data for identifying said control system and said means

are arranged for transmitting a control message via the first connection to said control system (the identification information is already stored within both devices therefore wireless device recognizes the presence of the device, such as ATM machine, when its within said distance and start transmitting and receiving messages with each other, Col. 8, lines 22 – 37 and Col. 12, lines 1 – 11), the message containing data for controlling said control system in a desired manner (mobile telephone communicates with the ATM machine and the ATM machine gathers all the required information from the mobile telephone and from the financial institution and processes the transaction, Col. 12, lines 11 – 22), wherein said mobile communication network also comprises authentication means for identifying said communication device and allowing the transmission of messages (registration of the mobile telephone in the mobile telephone network in order for the mobile telephone to gain access to the network, Col. 11, lines 26 – 44).

Regarding claim 16, Haynes discloses a control system (device, Fig. 7, 110) comprising means for setting up a short distance wireless second data transmission connection to a wireless communication device when it is within said distance (wireless interface between an Automated Teller Machine and the mobile telephone for effectuating ATM transaction, thus in order to perform this transaction the wireless device has to be in the vicinity of the ATM machine, Col. 11 line 64 through Col. 12, line 22), the connection being arranged at least for receiving a control message (the device receiving message from the mobile

telephone), the message containing at least data for controlling the control system in a desired manner (mobile telephone communicates with the ATM machine and the ATM machine gathers all the required information from the mobile telephone and from the financial institution and processes the transaction, Col. 12, lines 11 – 22) and processing means for interpreting the control message transmitted from said communication device and received via the second data transmission connection (the controller, Fig. 7, 220, located within the device, Fig. 7, 110 interprets the received message and performs its action accordingly, Col. 11 line 45 through Col. 12, line 22).

Regarding claim 17, Haynes discloses receiving messages via a communication channel from a mobile communication network which is arranged for setting up a wireless first data transmission connection to said communication device for the transmission of messages and that the processing means are also arranged for interpreting the control message received via a communication channel.

Regarding claim 30, the claim is interpreted and rejected for the same reason as set forth in claim 11.

Regarding claim 31, Haynes discloses a wireless communication device (mobile telephone, Fig. 7, 100) for controlling a control system (device, Fig. 7, 110) comprising means for setting up a wireless first data transmission connection to a mobile communication network (establishing wireless connection with the mobile telephone network, Fig. 7, 130), the connection being arranged

for the transmission and reception of messages (messages are transmitted and received through the wireless connection between the mobile telephone and the mobile telephone network), means for setting up a short distance wireless second data transmission connection (establishing wireless connection with a device having a wireless interface, such as an ATM machine) which is arranged at least for receiving messages and control means for generating messages to be transmitted and for interpreting received messages and memory means (Fig. 7, 190) for storing messages, wherein said means are arranged for transmitting a control message via the second connection to the control system (device, Fig. 7, 110) when it is within said distance (wireless interface between an Automated Teller Machine and the mobile telephone for effectuating ATM transaction, thus in order to perform this transaction the wireless device has to be in the vicinity of the ATM machine, Col. 11 line 64 through Col. 12, line 22), the message containing data for controlling said control system in a desired manner (mobile telephone communicates with the ATM machine and the ATM machine gathers all the required information from the mobile telephone and from the financial institution and processes the transaction, Col. 12, lines 11 – 22).

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

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invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2, 18, 19, 25, 26, 27, 28, 29, 35, 42 and 45 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes in view of Holmes (US 5,875,395).

Regarding claim 2, Haynes does not specifically disclose that the authentication means are also arranged for adding data identifying the communication device in the control message. In an analogous art, Holmes discloses that the control message (shared secret information) may include a MIN, an ESN and an authentication key (Holmes, Col. 1, lines 56 – 59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Holmes to the system of Haynes in order to provide bi-directional verification to a personal base station for use in conjunction with remotely operated systems.

Regarding claim 18, Haynes in view of Holmes as applied to claim 2 above discloses that the mobile communication network further comprises authentication means for identifying said communication device (mobile telephone network recognizing the mobile telephone through its identifying information) and for allowing the transmission of messages and that the authentication means are also arranged for adding data identifying said communication device into the control message to be transmitted (information is included in the shared secret information such as MIN, ESN and authentication key information, Holmes, Col. 1, lines 56 – 59).

Regarding claim 19, Haynes in view of Holmes as applied to claim 2 above discloses that the control message contains at least the telephone number of the mobile communication device that transmitted the control message to identify said communication device (identifying information such as MIN, Holmes, Col. 1, lines 56 – 59).

Regarding claim 25, Haynes in view of Holmes as applied to claim 2 above discloses that processing means (controller, Fig. 7, 220) are arranged to transmit message (transmitter, Fig. 7, 310) to said communication device (mobile telephone, Fig. 7, 100) regarding the transmission of a new control message via the second data transmission connection (the device dynamically transmits a message to the mobile telephone through a communication path allowing the mobile telephone to perform the appropriate transaction, Haynes, Col. 7, line 45 through Col. 8, line 37), the new control message containing at least an acceptable password (containing shared secret information such as MIN, ESN and authentication key information, Holmes, Col. 1, lines 56 – 59).

Regarding claim 26, Haynes in view of Holmes as applied to claim 2 above discloses transmitting a key message via the mobile communication network to the communication device (the device dynamically transmits a message using a path that is available, which can be through the mobile telephone network, Fig. 7, 130 to the mobile telephone, Fig. 7, 100, Haynes, Col. 7, line 45 through Col. 8, line 37), the message containing data on acceptable key codes to be added to a new control message to be transmitted from said

communication device and said control message is arranged to be received via the second data transmission connection (shared secret information such as MIN, ESN and an authentication key information is included in the message, Holmes, Col. 1, lines 56 – 59).

Regarding claim 27, Haynes in view of Parker as applied to claim 5 discloses that the control system (the device, Fig. 7, 110) is arranged to transmit a key message (transmit message) via the mobile communication network (the device can dynamically transmit using any path that is available, which can be through the mobile telephone network, Fig. 7, 130) to another wireless communication device (mobile telephone, Fig. 7, 100) (Haynes, Col. 7, line 45 through Col. 8, line 37) the message containing data on acceptable key codes (shared secret information such as authentication key information, Holmes, Col. 1, lines 56 – 59).

Regarding claim 28, Haynes in view of Holmes as applied to claim 2 above discloses that the key code contains at least data identifying the communication device that transmitted the control message (identifying information such as MIN and ESN, Holmes, Col. 1, lines 56 – 59).

Regarding claim 29, the claim is interpreted and rejected for the same reason as set forth in claim 19.

Regarding claim 35, the claim is interpreted and rejected for the same reason as set forth in claim 19.

Regarding claim 42, the claim is interpreted and rejected for the same reason as set forth in claim 19.

Regarding claim 45, the claim is interpreted and rejected for the same reason as set forth in claim 19.

5. Claims 5, 7, 13, 20, 22, 23, 24, 33, 34, 36, 37, 43 and 44 are rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes in view of Parker (US 5,864,757).

Regarding claim 5, Haynes discloses having memory means (Fig. 7, 190 and 210). However, Haynes does not specifically disclose memory means for storing at least one acceptable key code and that in case the received control message also contains a key code the processing means are arranged to compare the key code of the control message with acceptable key codes to allow or prevent the control. In an analogous art, Parker discloses memory means (Subscriber Identity Module (SIM), Fig. 2, 40) for storing at least one acceptable key code (codeword carried on a SIM) and that in case the received control message also contains a key code (the received message, M_{handset} , contains codeword, Fig. 3) the processing means (processor, Fig. 2, 22) are arranged to compare the key code of the control message with acceptable key codes to allow or prevent the control (the processor reads codeword off SIM and compares received check word with that value if the two values match processor unlocks or enables handset for general use if it does not match then the handset is not enabled, Col. 8, lines 7 – 67 and Col. 10, line 64 through Col. 11, line 5).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Parker to the system of Haynes in order to provide a method for unlocking a pre-locked device, such as a wireless telecommunications handset or terminal whereas the device is adapted to receive signals from a remote source and is further adapted to receive an identification module such as a SIM.

Regarding claim 7, Haynes in view of Parker as applied to claim 5 above discloses receiving key messages transmitted from a server via a communication channel (receiving message, M_{handset} , containing codeword, Fig. 3), the message containing data on acceptable key codes for their storage in the control system for comparison (Parker, Col. 8, lines 7 – 67 and Col. 10, line 64 through Col. 11, line 5).

Regarding claim 13, Haynes in view of Parker as applied to claim 5 above discloses that at least part of the messages are short messages to be transmitted in the mobile communication network (using short messaging service, SMS, Parker, Col. 8, lines 7 – 49).

Regarding claim 20, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 22, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 23, Haynes in view of Parker as applied to claim 5 above discloses that the key message (codeword) is arranged to be transmitted from a

server (customer service center, Parker, Fig. 3, 80) via a mobile communication network to the communication device (base station, Parker, Fig. 3, 50), the message containing data on acceptable key codes for storing them in said communication device and the mobile communication network being arranged for setting up a first data transmission connection to said communication device for the transmission of messages (the mobile device receiving the codeword and storing in its memory and the network using wireless data transmission to send the message, Parker, Col. 8, lines 7 – 67 and Col. 10, line 64 through Col. 11, line 5).

Regarding claim 24, Haynes in view of Parker as applied to claim 5 above discloses that the server (customer service center) further comprises memory means for storing acceptable key codes for storing data identifying the security system to be controlled by each acceptable key code, and storing data identifying the communication device entitled to the acceptable key code (Parker, Col. 8, lines 50 – 67).

Regarding claim 33, Haynes in view of Parker as applied to claim 5 above discloses transmitting key messages (codeword) via the mobile communication network (using base station) to another wireless communication device (mobile terminal), the message containing data on acceptable key codes (message containing codeword, Parker, Col. 8, lines 50 – 67).

Regarding claim 34, Haynes in view of Parker as applied to claim 5 above discloses transmitting key message via the mobile communication network to

another wireless communication device, the message containing data on acceptable key codes (containing codeword, Parker, Col. 8, lines 7 – 67 and Col. 10, line 64 through Col. 11, line 5).

Regarding claim 36, the claim is interpreted and rejected for the same reason as set forth in claim 5.

Regarding claim 37, Haynes in view of Parker as applied to claim 5 above discloses receiving key messages (codeword) transmitted from a server (customer service center, Parker, Fig. 3, 80) via a communication channel, the message containing data on acceptable key codes for their storage in the control system for comparison (Parker, Col. 8, lines 7 – 67 and Col. 10, line 64 through Col. 11, line 5).

Regarding claim 43, the claim is interpreted and rejected for the same reason as set forth in claim 23.

Regarding claim 44, the claim is interpreted and rejected for the same reason as set forth in claim 24.

6. Claims 8, 9, 10, 15, 21, 32, 38, 39, 40 and 41 is rejected under 35 U.S.C. 103(a) as being unpatentable over Haynes in view of Parker as applied to claim 5 above, and further in view of Holmes.

Regarding claim 8, Haynes in view of Parker as applied to claim 5 above discloses that the key message is arranged to be transmitted from a server via a mobile communication network to a communication device, the message

containing data on acceptable key codes for storing them in said communication device (Parker, Col. 8, lines 7 – 67 and Col. 10, line 64 through Col. 11, line 5). However, Haynes in view of Parker does not specifically disclose adding the acceptable key codes in the control message transmitted by said communication device. In an analogous art, Holmes discloses adding the acceptable key codes in the control message transmitted by said communication device (shared secret information such as MIN, ESN and an authentication key, Holmes, Col. 1, lines 56 – 59). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the technique of Holmes to the modified system of Haynes and Parker in order to provide bi-directional verification to a personal base station for use in conjunction with remotely operated systems.

Regarding claim 9, Haynes in view of Parker and further in view of Holmes discloses that the key code contains at least data identifying the communication device that transmitted the control message (identifying information, Holmes, Col. 1, lines 56 – 59).

Regarding claim 10, Haynes in view of Parker and further in view of Holmes discloses that the key code contains at least the telephone number of the communication device that transmitted the control message (identifying information, Holmes, Col. 1, lines 56 – 59).

Regarding claim 15, Haynes in view of Parker and further in view of Holmes as applied to claim 8 above discloses receiving a key message via the

mobile communication network, the message containing data on acceptable key codes (receiving message containing codeword from the network, Parker, Col. 8, lines 7 – 67 and Col. 10, line 64 through Col. 11, line 5) for adding them in the control message transmitted by the communication device and that said memory means are arranged for storing said key codes (shared secret information such as MIN, ESN and an authentication key is stored in the memory of the mobile telephone, Holmes, Col. 1, lines 55 – 67).

Regarding claim 21, Haynes in view of Parker and further in view of Holmes discloses memory means for storing at least one acceptable key code, as a result to the control message the processing means are arranged to transmit an acknowledgement message via a communication channel to the communication device, the message containing data on acceptable key codes to be added to a new control message to be transmitted from said communication device and said new control message is arranged to be received via the second data transmission connection.

Regarding claim 32, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 38, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 39, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 40, the claim is interpreted and rejected for the same reason as set forth in claim 15.

Regarding claim 41, Haynes in view of Parker and further in view of Holmes discloses that at least part of the messages are short messages to be transmitted in the mobile communication network (using short messaging service, SMS, Parker, Col. 8, lines 7 – 49).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Pope (US 5,963,624) discloses digital cordless telephone with remote control feature.

Beaudou (US 6,671,522) discloses a process for running an application having a terminal, which runs at least part of a terminal application under the control of a subscriber identification module cooperating with the terminal.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Un C Cho whose telephone number is (703) 305-8725. The examiner can normally be reached on M ~ F 8:00AM to 4:30PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lester Kincaid can be reached on (703) 306-3016. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Un C Cho 11/23/04 UC
Examiner
Art Unit 2687


11/29/04
LESTER G. KINCAID
PRIMARY EXAMINER